

AMENDED IN ASSEMBLY APRIL 6, 2006
AMENDED IN ASSEMBLY MARCH 27, 2006
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1955

Introduced by Assembly Member Leslie

February 2, 2006

An act to add Section 1534.2 to the Health and Safety Code, relating to foster family homes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1955, as amended, Leslie. Community care facilities: foster homes: investigations.

Existing law, the Community Care Facilities Act, provides for the licensure and regulation of community care facilities, including foster family homes, by the State Department of Social Services. Existing law provides for the certification of foster homes by foster family agencies.

~~This bill would require the department, in the process of investigating an abuse complaint against a foster parent or foster family, to consider, a foster care client's documented history of making any false accusations against a foster parent or foster family, to the extent such a documented history exists, or is known to be true by the investigator conducting the investigation~~ *authorize a foster child who is the subject of an investigation relating to a complaint against a foster parent or foster family to submit a written statement about the complaint, which is required to be included as part of the child's and the foster parent's or foster family's documented record, or, if the foster child is unable to make a written statement, the bill*

would authorize the investigator to take an oral statement. The bill would authorize a foster parent or foster family that is the subject of an investigation, if the department determines a complaint investigation to be inconclusive or unfounded, to request that the foster-care-client child be removed from the home, subject to applicable laws or regulations regarding notification and procedures for changing the placement of a child in foster care, and taking into consideration the rights of a foster child, as prescribed. The bill would prescribe procedures for the conduct of an investigative interview with a foster parent or foster family in connection with the investigation of a complaint, and would require that a representative of the county licensing agency responsible for the placement of the foster-care-client in a foster home a foster family agency comply with specified requirements with regard to the investigation of those complaints.

By imposing additional duties on county licensing agencies, the bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1534.2 is added to the Health and
2 Safety Code, to read:
3 1534.2. (a) The department shall, in the process of
4 investigating an abuse complaint against a foster parent or a
5 foster family, consider a foster care client's documented history
6 of making false accusations against a foster parent or foster
7 family, to the extent such a documented history exists, or is
8 known to be true by the investigator conducting the investigation.
9 If a foster care client is determined by the department to have a
10 history of making a false allegation against a foster parent or
11 foster family, that history shall not invalidate the allegation being

1 investigated, but shall be considered as a factor in making any
2 final determination with respect to the client's placement in
3 foster care.

4 (b) ~~Any foster care client who is the subject of an investigation~~
5 ~~pursuant to this section may submit a written statement about the~~
6 ~~complaint or investigation, which shall be included as part of the~~
7 ~~client's and the foster parent or foster family's documented~~
8 ~~record. If the foster care client is unable to make a written~~
9 ~~statement an oral statement may be taken by the investigator.~~

10 1534.2. (a) *Any foster child who is the subject of an*
11 *investigation relating to a complaint against a foster parent or*
12 *foster family may submit a written statement about the complaint*
13 *or investigation, which shall be included as part of the child's*
14 *and the foster parent's or foster family's documented record. If*
15 *the foster child is unable to make a written statement an oral*
16 *statement may be taken by the investigator.*

17 (e)

18 (b) If the department determines that a complaint investigation
19 is inconclusive or unfounded, the foster parent or foster family
20 that is the subject of the investigation may request that the foster
21 ~~care client~~ *child* be removed from the home, subject to applicable
22 laws and regulations regarding notification and procedures for
23 changing the placement of a foster ~~youth~~ *child* in foster care, and
24 taking into consideration the policies of the state with regard to
25 children in foster care, as provided in Section 16001.9 of the
26 Welfare and Institutions Code. *In accordance with paragraph*
27 *(17) of subdivision (a) of Section 16001.9 of the Welfare and*
28 *Institutions Code, a foster child may attend any court hearing*
29 *pertaining to the child's placement in a foster care home and*
30 *may, in the conduct of the hearing, make a brief statement to the*
31 *court, consistent with the requirements of Section 399 of the*
32 *Welfare and Institutions Code, regarding any placement*
33 *decisions affecting the child's continued placement in a foster*
34 *care home.*

35 (d)

36 (c) If the department conducts any investigative interview with
37 a foster parent or foster family in connection with the
38 investigation of a complaint pursuant to this section, and the
39 foster parent or family that is the subject of the investigation is
40 represented by a ~~local county licensing agency that is responsible~~

1 ~~for placing the foster care client with the foster parent or foster~~
2 ~~family~~ *foster family agency*, the department shall notify a
3 representative of the agency that he or she may be present, but
4 may not participate at, the investigative interview, unless the
5 right to have the representative present is waived, in writing, by
6 the foster parent or other individual representing the foster family
7 that is subject to the investigation. The investigator may conduct
8 the interview without the representative from the ~~county~~
9 ~~licensing~~ *foster family agency* if, after waiting a reasonable
10 period of time, not exceeding 30 minutes after the scheduled time
11 for the interview to begin, absent a showing of good cause by
12 representative for his or her failure to appear.

13 (e) The department shall inform the foster parent or
14 representative of the foster family being interviewed that they
15 have the right to tape record the interview if all parties present
16 are aware of, and agree to, the taping.

17 (f) Nothing in this section shall be construed to prohibit or
18 otherwise interfere with the timely removal of a ~~child or other~~
19 ~~foster care client~~ *foster child* in foster care whose safety or
20 well-being may be at risk.

21 (g) This section shall not apply to any criminal or other
22 investigation that may be carried out by any law enforcement
23 agencies that may involve a foster child ~~or other client~~, foster
24 parent, or foster family.